IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 624 of 2003
with
CIVIL APPLICATION No 8983 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANAGING TRUSTEE

Versus

ARVINDBHAI DEVMURARI

Appearance:

1. Special Civil Application No. 624 of 2003
MR SHIRISH JOSHI for Petitioner No. 1
NANAVATY ADVOCATES for Respondent No. 1
MS PB SHETH, LD.AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 30/11/2004

ORAL JUDGEMENT

1. The Managing Trustee, Shri Navchetan High School

Trust, petitioner, had originally filed a petition for a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction quashing and setting aside the judgment and order dated 27th September, 2002, passed by the Industrial Tribunal in Appeal No.6 of 1999 and the order dated 26th November, 1999, passed by the District Education Officer and further be pleased to allow the proposal and application for approval dated 15.10.1999 filed by the petitioner.

2. The said petition was filed on 12th December, 2002. In the said matter, originally the Court has issued notice on 27th January, 2003, and thereafter on 20th July, 2004, then the Court has issued rule. During the pendency of this matter, Shri Arvindbhai Devmurari, applicant - original respondent No.1, has filed civil application No.8983 of 2004 with a prayer that to direct the opponent No.3 to release all retirement benefits including actual pensionary benefits payable to the applicant forthwith within reasonable time.

3. It may be noted that the petitioner has retired on 2nd June, 2003. Meanwhile, Mr.Joshi, learned advocate has placed before this Court the resolution passed by Navchetan High School Trust in which the school has accepted the apology of applicant Arvindbhai Devmurari dated 24th November, 2004, and also decided to withdraw Special Civil Application No.624 of 2003 namely main petition before this Court.

4. Heard Mr.Joshi, learned advocate for the original petitioner - Navchetan High School Trust, Mr.Hriday Buch, learned advocate for the applicant - original respondent No.1 and Ms.Sheth, learned AGP for the respondent No.2 and 3. Mr.Joshi, learned advocate seeks permission to withdraw this Special Civil Application. Permission is granted.

5. Mr.Buch, learned advocate states that, in view of the withdrawal of the petition, and in view of the fact that now the petitioner is retired, the respondent no.3 may be directed to release all pensionary benefits to the applicant in this behalf.

6. In view of the aforesaid facts and circumstances of the case, the respondent No.3 Director of Pension & Provident Fund, Govt. of Gujarat is directed to release all pensionary benefits including actual pension payable to the applicant Arvindbhai Devmurari as early as possible and further directed to pay all retirement benefits by 15th January, 2005.

7. With the aforesaid observations and directions, the main matter i.e. Special Civil Application No.624 of 2003 as well as Civil Application No.624 of 2003 are accordingly disposed of with no order as to costs. Rule is discharged.

(K.M. Mehta, J.)

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